BY-LAWS

—AND—

ACT OF INCORPORATION

—OF THE—

VANCOUVER BOARD OF TRADE

Adopted and Confirmed 11th July, 1899.

Vancouver, British Columbia, Canada.

VANCOUVER, B. C.:
EVANS & HASTINGS, PRINTERS.
1899.

1899-24

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The Vancouver Board of Trade is incorporated under Chapter 130 of the Revised Statutes of the Dominion of Canada—viz., "An Act respecting the Incorporation of Boards of Trade."

Incorporated, 24th November, 1887.

Recorded, 12th December, 1887.

TO THE HONOURABLE THE SECRETARY OF STATE FOR THE DOMINION OF CANADA.

KNOW ALL MEN BY THESE PRESENTS: That We, the several persons whose signatures and seals are hereto subscribed and set and whose occupations respectively are those set opposite our respective signatures, do hereby associate ourselves together as a BOARD OF TRADE under the provisions of *Chapter 130 of the Revised Statutes of Canada*, intituled: "*An Act respecting the Incorporation of Boards of Trade*," and We do hereby appoint JOHN DEVINE as SECRETARY to the said BOARD OF TRADE, and We do hereby specify the name assumed by the association and by which it shall be known to be the "VANCOUVER BOARD OF TRADE," and the name of the District in which the same is situate and the business transacted to be the City of Vancouver, and the name of the person so elected SECRETARY to be JOHN DEVINE.

Witness our hands and seals:

Dated the 24th day of November, A. D. one thousand eight hundred and eighty-seven.

NAME.	OCCUPATION.		WITNESS.
E. V. BODWELL,	Real Estate Broker.	L. S.	JOHN DEVINE.
R. CLARK,	Merchant.	"	JOHN DEVINE.
D. OPPENHEIMER,	Merchant.	"	JOHN DEVINE.
JNO. J. COWDEROY,	Merchant.	"	JOHN DEVINE.
F. X. MARTIN,	Merchant.	"	JOHN DEVINE.
THOS. DUNN,	Merchant.	"	JOHN DEVINE.
C. TAYLOR,	Bank Agent.	"	JOHN DEVINE.
JNO. B. HENDERSON,	Merchant.	"	E. MALLANDAINE, JR.
H. T. CEPERLEY,	Real Estate and Ins. Agent.	"	E. MALLANDAINE, JR.
R. MATHISON, JR.,	Job Printer.	"	E. MALLANDAINE, JR.
WM. SKENE,	Commission Merchant.	"	E. MALLANDAINE, JR.
F. C. COTTON,	Newspaper Publisher.	"	E. MALLANDAINE, JR.
H. A. JONES,	Real Estate Agent.	"	E. MALLANDAINE, JR.
JAMES M. CLUTE,	Merchant.	"	E. MALLANDAINE, JR.
ALAN E. McCARTNEY,	Architect.	"	E. MALLANDAINE, JR.
GEO. TURNER,	Real Estate Broker.	"	E. MALLANDAINE, JR.
JOHN WULFFSOHN,	Banker.	"	E. MALLANDAINE, JR.
D. L. BECKINGSALE,	Physician.	"	E. MALLANDAINE, JR.
ROBT. WM. GORDON,	Merchant.	"	E. MALLANDAINE, JR.
WM. CLEMENTS,	Merchant.	"	JOHN DEVINE.
RICHD. H. ALEXANDER,	Manager Hastings Saw Mill.	"	JOHN DEVINE.
M. A. MACLEAN,	Real Estate Broker.	"	JOHN DEVINE.
A. CHS. THICKE,	Merchant.	"	JOHN DEVINE.
J. C. KEITH,	Agent Bk. British Columbia.	"	JOHN DEVINE.
W. B. WILSON,	Merchant.	"	E. MALLANDAINE, JR.
C. D. RAND,	Real Estate Broker.	"	JOHN DEVINE.
JAMES LEAMY,	Millowner.	"	E. MALLANDAINE, JR.
A. G. FERGUSON,	Civil Engineer.	"	JOHN DEVINE.
ROB. COUTH,	Merchant.	"	JOHN DEVINE.
JOHN DEVINE,	Estate Agent.	"	E. MALLANDAINE, JR.
J. W. McFARLAND,	Accountant.	"	JOHN DEVINE.

I, John Devine, of Vancouver, British Columbia, do hereby acknowledge and declare that the above certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed in my presence.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, Edward Mallandaine, Junior, of Vancouver, British Columbia, do hereby acknowledge and declare that the above certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed in my presence.

E. MALLANDAINE, JR.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, John Devine, of the City of Vancouver, in the Province of British Columbia, Secretary of the "Vancouver Board of Trade," do hereby acknowledge and declare that the hereto annexed certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed; that the respective occupation set opposite the respective names of such persons are their true occupations respectively, and the said persons reside within the Judicial District of Vancouver City.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, John Devine, of the City of Vancouver, in the Province of British Columbia, Secretary of the "Vancouver Board of Trade," do hereby declare that the City mentioned in the hereunto annexed certificate has a population of not less than three thousand.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 12th December, 1887.

I do hereby certify that the foregoing is a true and correct copy of a certificate purporting to be made under the provisions of The Revised Statutes of Canada, Chapter 130, for Incorporation of "The Vancouver Board of Trade," and recorded in the Registrar's Branch of the Department of the Secretary of State for Canada on the Twelfth day of December, 1887, in *Liber 28, Folio 94.*

T. A. CHAPLEAU,
Secretary of State and Registrar
General of Canada.

BY-LAWS

—OF THE—

VANCOUVER BOARD OF TRADE,

ADOPTED 11th JULY, 1899.

GENERAL MEETINGS.

1. General meetings of members of the Vancouver Board of Trade shall be held on the second Tuesday in each month at 8 p. m.

2. The meeting held in the month of March shall be deemed the annual meeting, and the meetings held in March, June, September and December the quarterly meetings.

3. The place of meeting shall be at the Board rooms.

4. The financial year shall close on the 31st December in each year.

5. At any general meeting, seven members present in person shall constitute a quorum for the transaction of business; at Council meetings, five shall form a quorum (including the President, Vice-President, or member elected to act as chairman). Should a quorum not be formed by thirty minutes after the meeting is called, it shall stand adjourned for one week.

6. Proxies shall not be allowed at any meetings of the Board.

ORDER OF BUSINESS.

7. Reading and confirming minutes of previous meetings of the Board.

Reading reports of Council meetings.

Reading reports and communications.

Elections to fill vacancies.

Nomination and election of new members.

Unfinished business.

General business.

MOTIONS.

8. All motions, except those for the previous question, postponement, or adjournment, shall be made in writing, and no debate shall be permitted except on a motion regularly moved and seconded. No member shall speak twice on the same motion except by permission of the meeting or by way of explanation.

9. Questions of order arising at the meetings of the Board, not provided for by the by-laws, shall be decided by the chairman, subject to an appeal to the meeting.

10. Notice to amend any by-law or to introduce a new one shall be given in writing at the monthly meeting of the Board previous to the meeting at which it is intended to be considered.

11. At all meetings of the Board no delinquent members shall be entitled to vote.

MEMBERSHIP.

12. Any person wishing to become a member of the Vancouver Board of Trade shall submit his name and occupation in writing, on the form of application used by the Board, endorsed by any member.

13. The entrance fee for any person desirous of joining the Board shall be $5.00, in addition to his annual subscription.

14. The annual subscription of members shall be $12.00, payable by quarterly installments of $3.00, in advance, to the Secretary at the office of the Board of Trade. Any member failing after notification to comply with this by-law for two quarters shall be deemed delinquent and may, at the discretion of the Council, be suspended, and if at the expiration of a year the dues be still unpaid, his name may be removed from the list of members and all membership privileges forfeited.

15. Any member desirous of withdrawing from the Board shall give notice thereof in writing to the Secretary, but his wish shall not be acceded to until he shall have paid up his subscription to the expiration of the quarter in which the application shall be made.

16. The membership of the Board shall not be transferable.

17. Any member who is declared insolvent shall thereby be considered as retiring from the Board, but shall be entitled to be nominated for re-election at any time.

18. Any member can be expelled by the vote of two-thirds of the members present at any meeting specially called for the purpose, at which not less than one-fourth of the whole membership of the Board is present.

19. The names of members who have left the country under dishonorable circumstances, or who are convicted of crime, shall be removed from the roll of members by the Council.

ELECTION OF OFFICERS.

20. At the annual meeting there shall be elected by ballot a President, Vice-President, Secretary and fifteen members, who, with the President and Vice-President, shall form the Council and remain in office for one year, or until their successors shall be elected.

21. Nominations for the offices of President, Vice-President, Secretary and members of the Council may be made by any member of the Board, and must be delivered in writing at the Secretary's office not later than the Tuesday previous to the annual meeting.

22. The Secretary shall send by mail, not later than the Thursday previous to the annual meeting, a ballot-paper containing the names of all members nominated who are eligible for election, and (2) a list of officers for the current year, together with the number of Council meetings called and the attendance of each officer at such meetings.

23. At the annual meeting the members shall proceed to elect by ballot from the members nominated enough to fill the necessary offices, and should there not be sufficient nominations, then other names may be placed on the ballot paper by regular motions.

24. A member nominated for office may, either in writing or otherwise, refuse such nomination.

25. The first fifteen members who receive the largest number of votes shall be elected and shall constitute the Council; the first twelve members receiving the largest vote shall be elected and shall constitute the Board of Arbitration.

DUTIES OF THE PRESIDENT.

26. It shall be the duty of the President to occupy the chair at all meetings, to receive and put motions, to inform the Board of the proceedings since the last meeting, and to cause the minutes of the Council and other communications to be read, and to announce to the meeting anything he may think concerns the mercantile interests of the members.

27. He shall keep order, but an appeal may be made from the decision of the chair to the members present, a majority vote ruling.

28. The President shall be an *ex-officio* member of all committees.

29. It shall be the duty of the President to call a meeting of the Board at any time at the request of six members of the Board, giving two days' notice thereof, and stating the purpose for which it is to be held; provided always, that if the President and Vice-President be absent, any member of the Council shall be competent to call such meeting in manner aforesaid.

30. The President shall, with the Secretary, sign all papers and documents requiring signature or execution on behalf of the Board.

31. The President or other presiding officer shall only vote in case of a tie, when he shall have the right of giving a casting vote.

32. The President shall, on the advice of the Council, appoint all standing committees, and shall, previous to the annual meeting, also appoint three members who shall act as scrutineers at such meeting.

33. In the absence of the President, the Vice-President shall fill all the functions which would otherwise be filled by the President.

DUTIES OF THE SECRETARY.

34. The Secretary, under the supervision of the Council, shall be the executive officer of the Board, keep the books, conduct the correspondence, retain copies of all official letters, preserve all official documents, attend and take minutes of all meetings, shall have charge of all funds belonging to the Board, and shall duly deposit same in a chartered bank, approved by the Council; out of such funds he shall pay

amounts as he is directed to do so by the Council, and keep a regular account of the income and expenditure of the Board, an audited statement of which shall be presented at the annual meeting, and shall submit to the Council a financial statement at any time he is required to do so; and, further, he shall perform all such duties as properly pertain to his office.

35. In the event of occasion arising, the Council may appoint a Secretary *pro tem.*

36. Notification by a circular mailed to the then last known address of each member at least three days immediately preceding the date fixed for the meeting, shall be sufficient for all meetings of the Board.

AUDIT.

37. At the regular meeting held in December of each year, the President shall appoint two members to audit the books and accounts of the Secretary for presentation to the general annual meeting.

CUSTOMS OF THE PORT OF VANCOUVER.

RATES OF COMMISSION.

Amended Schedule recommended by Special Committees and adopted by the Board (1896).

When no special agreement exists, the following shall be collectable :—

1.	On purchase of stocks, bonds, and all kinds of securities, including the drawing of bills, for payment of the same	2½ per cent.
2.	On sale of stocks, bonds, and all kinds of securities, including remittances in bills and guarantee	2½ per cent.
3.	On purchase and sale of specie, gold dust and bullion	1 per cent.
4.	On sale of bills of exchange, with endorsement	2½ per cent.
5.	On sale of bills of exchange, without endorsement	½ per cent.
6.	For endorsing bills of exchange when desired	2½ per cent.
7.	On sale of produce and merchandise, with guarantee,	7½ per cent.
8.	On goods received on consignment, and afterwards withdrawn	2½ per cent.
9.	On purchase and shipment of merchandise, on cost and charges	5 per cent.
10.	For collecting and remitting delayed or litigated account	10 per cent.
11.	For collecting freight money, on amount collected	2½ per cent.
12.	For collecting general claims	5 per cent.
13.	For collecting general average—on the first $20,000 or any smaller amount	5 per cent.
14.	For collecting general average—on any excess over $20,000	2½ per cent.
15.	On purchase or sale of vessels	5 per cent.
16.	For entering and clearing vessels and attending to the Customs business of the ship	$ 25 00

17. For "Port Agency" attending to discharge of cargo and transacting ship's business other than entering and clearing at Customs :

On vessels not exceeding 250 tons cargo.....	$ 25 00
" with 251 tons and not exceeding 500 tons cargo.....	$ 35 00
" with 501 tons and not exceeding 750 tons cargo.....	$ 50 00
" with 751 tons and not exceeding 1,000 tons cargo.....	$ 75 00
" over 1,000 tons	$100 00
" in ballast.....	$ 10 00

18. For disbursements of vessels by consignees ..... 2½ per cent.

19. For procuring freight or passengers ..... 5 per cent.

20. For chartering vessels on amount of freight, actual or estimated, to be considered as due when the "Charter Parties" or memorandum of their conditions, etc., are signed..... 5 per cent.

21. For landing and re-shipping goods from vessels in distress, on invoice value, or in its absence, on market value..... 5 per cent.

22. For receiving and forwarding goods—on invoice amount ..... 2½ per cent.

23. For effecting marine insurance—on the amount of premium..... 5 per cent.

24. The foregoing Commissions to be exclusive of Brokerage, and every charge actually incurred.

25. Vessels to pay clerk hire and the labor on wharf, sorting and delivering cargo.

THE REVISED STATUTES OF CANADA.

VOL. II.

CHAPTER 130.

An Act respecting the incorporation of Boards of Trade. A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act, unless the context otherwise requires,—*(a)* The expression "district" means the city, county, town, village, or judicial district within and for which a Board is established under this Act; Interpretation. "District."

(b) The expression "board of trade," includes chamber of commerce. 39 V., c. 34, s. 1, *part.* "Board of Trade."

2. Any number of persons not less than thirty, who are merchants, traders, brokers, mechanics, manufacturers, managers of banks or insurance agents, and residents of any district which has a population of not less than two thousand five hundred, may associate themselves together as a board of trade and appoint a secretary. 39 V., c. 34, s. 1, *part.* Formation of Boards of Trade.

3. The persons so associating themselves together as a board of trade shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known,—also the name, as hereinbefore defined, of the district in which the same is situate and its business is transacted, and the name of the person by them appointed secretary to the said board of trade. 39 V., c. 34, s. 1, *part.* Certificate of formation.

4. Such certificate shall be acknowledged before a notary public, commissioner for taking affidavits, or justice of the peace, by the secretary of the said board of trade, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register to be kept for that purpose; a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association. 39 V., c. 34, s. 1, *part.* Certificate to be sent to Secretary of State

Persons incorporated to have certain powers.

5. The persons named as corporators in the said certificate, and such other persons as afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, successors and assigns, by the name and style specified in the said certificate, shall be a body corporate and politic, with power to acquire, sell and convey any real estate necessary for the objects of such association. 37 V., c. 51, s. 4, *part.*

Domicile.

6. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, at which service of any notice or process may be made. 37 V., c. 51, s. 4, *part.*

Officers and Council of Board of Trade.

7. The officers of every board of trade shall be a president, vice-president, and secretary, who, together with not less than eight other members, shall constitute a council, which shall be called "the council of the board of trade of " *(adding the name of the district as hereinbefore defined)*, and who shall have the powers and perform the duties hereinafter mentioned; and when the foregoing provisions have been complied with, it shall be competent for a majority of the persons named as corporators in the said certificate to hold a meeting for the election of a president, vice-president and members of the said council, and without notice, to make and enact such by-laws, rules and regulations as are hereinafter mentioned. 37 V., c. 51, s. 5;—39 V., c. 34, s. 2.

First meeting for election of officers, &c.

General quarterly meetings.

8. The members of the said corporation shall hold general quarterly meetings in each year, at some place within the district, —of which notice, naming the time and place, shall be given by the secretary of the council for the time being, at least three days previous to such meeting, through one newspaper, or otherwise, as is thought necessary by the council; and at the first quarterly meeting held in each year, the members of the said corporation present, or a majority of them, shall elect in the manner prescribed by the by-laws, from among the members of the corporation, a president, vice-president and secretary, and at least eight other members of the council, who, with the president, vice-president and secretary, shall form the council of the corporation, and shall hold their offices until others are elected in their stead, at the next first quarterly meeting of the ensuing year as aforesaid, or until they are removed from office, or vacate the same under the provisions of the by-laws of the corporation:

Election of President and members of Council.

Provision in case of failure of election.

2. If the said election does not take place at such first quarterly meeting as aforesaid, the said corporation shall not be thereby dissolved, but such election may be held at any general

meeting of the corporation, called in the manner hereinafter provided, and the members of the council in office shall remain members until the election is held. 37 V., c. 51, s. 6.

9. The president and vice-president shall, before entering upon the duties of their office, take and subscribe before the mayor of the city or town, constituting the district, or before any justice of the peace, an oath in the form following, that is to say:

President and vice-president to take oath of office.

"I swear that I will faithfully and truly perform my duty as " of the board of trade, and that I will, in all matters "connected with the discharge of such duty, do all things, and "such things only, as I shall truly and conscientiously believe to "be adapted to promote the objects for which the said board was "constituted, according to the true intent and meaning of the "same. So help me God." 37 V., c. 51, s. 7.

Form of oath.

10. If any member of the council dies or resigns his office, or is absent for six months continuously from the meetings of the council, the council may, at any meeting thereof, elect a member of the corporation to be a member of the council, in the place of the member who has died or resigned, or is absent; and such new member shall be so elected by a majority of the members of the council present at any meeting of the same, if there is a quorum present at such meeting; and the member so elected shall hold office until the next annual election. 37 V., c. 51, s. 8.

Vacation of office, and filling vacancies in council.

11. At any annual or general meeting of the corporation, whether for the purpose of electing members of the council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which, either under this Act or under any by-law of the corporation, are or shall be directed to be done at any such general meeting. 37 V., c. 51, s. 9.

Majority present at meetings of corporation to have full power.

12. Any member of the corporation, who intends to retire therefrom or to resign his membership, may do so at any time, upon giving to the secretary ten days' notice in writing, of such intention, and upon discharging any lawful liability which is standing upon the books of the corporation against him at the time of such notice. 37 V., c. 51, s. 10.

Retirement of members.

13. The majority of the members of the corporation present at any general meeting may make by-laws and regulations, and from time to time repeal, alter and amend the same, for the government of the corporation, providing for the admission, and subscriptions of members,—for imposing of penalties,—for the expulsion, or the retirement of members,—for the management of its council, officers and affairs,—for the guidance of the board of arbitrators hereinafter mentioned, and for fixing the date and

Making by-laws and regulations for what purpose.

place of the regular meetings of the council, and all other by-laws in accordance with the requirements of this Act or the Laws of Canada :

To be binding.

2. Such by-laws shall be binding on all members of the corporation, its officers and servants, and all other persons, whomsoever, lawfully under its control :

Notice of proposed by-laws to be given.

3. No by-law shall be made by the corporation, except as hereinbefore mentioned, without notice in writing thereof having been given by one member and seconded by another member at a previous meeting and duly entered in the books of the corporation as a minute of the corporation. 37 V., c. 51, s. 11.

Who may become members of the corporation, and how.

14. Every person resident within the district, who is or has been a merchant, broker, trader, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation ; and at any general meeting of the corporation any member of the corporation may propose any such person, as aforesaid, as a candidate for becoming a member of the corporation ; and if such proposition is carried by a majority of two-thirds of the members of the corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to : Provided always, that any person who is not a merchant or trader, broker, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation, in manner aforesaid, if such person is recommended by the council of the Board of Trade at any such meeting. 37 V., c. 51, s. 12.

Proviso as to persons not being traders, &c.

Special general meetings of corporation.

15. The council, or a majority of them, by a notice inserted in one or more newspapers published within the district, one day previously to the meeting, or by a circular letter to each member, signed by the secretary of the corporation, and mailed one day previously to the meeting, may call a general meeting of the corporation for any of the purposes of this Act. 37 V., c. 51, s. 13.

Meeting of council; how convened, &c.

16. The council may hold meetings, from time to time, and adjourn the same when necessary, and may at such meetings transact such business as is, by this Act or by the by-laws of the corporation, assigned to it; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council:

Powers.

2. The council shall, in addition to the powers hereby expressly conferred on it, have such powers as are assigned to it by any by-law of the corporation, except the power of enacting or altering any by-law, or admitting any member which shall be done only in the manner provided for by this Act:

Exception.

3. Any five or more members of the council, lawfully met, shall be a quorum, and a majority of such quorum may do all things within the powers of the council: Quorum.

4. At all meetings of the council, and at all general meetings of the corporation, the president, or, in his absence, the vice-president, or if both are absent, any member of the council then present who is chosen for the occasion, shall preside; and in all cases of equality of votes upon any division, he shall have a casting vote. 37 V., c. 51, s. 14. Who to preside. Casting vote.

17. The council shall frame such by-laws, rules and regulations as appear to it best adapted to promote the welfare of the corporation and the purposes of this Act, and shall submit the same for adoption at a general meeting of the corporation, called for that purpose, in the manner hereinbefore provided. 37 V., c. 51, s. 15. Council to frame by-laws, &c., to be submitted at a general meeting.

18. All subscriptions of members due to the corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the secretary thereof, and in default of payment, shall be recoverable in an action brought in the name of the corporation; and it shall only be necessary, in such action, to allege that such person is indebted to the corporation in the sum of money, the amount of such arrearage on account of such subscription, penalty or otherwise, whereby an action has accrued to the corporation by virtue of this Act. 37 V., c. 51, s. 16. Recovery of subscriptions, &c.

19. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant, at the time the demand was made, was or had been a member of the corporation, and that the amount claimed as such subscription, penalty or otherwise, was standing unpaid upon the books of the corporation. 37 V., c. 51, s. 17. Proof in action brought in such case.

20. The meetings of the council shall be open to all members of the corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the council or of the corporation, shall be entered in books kept for that purpose by the secretary of the corporation; and the entry thereof shall be signed by the president or vice-president or the other person who presides at the meeting; and such books shall be open at all reasonable hours to any member of the corporation free of any charge. 37 V., c. 51, s. 18. Meetings of council to be open to members. Minutes. Record thereof.

21. At the time hereby appointed for the election of the council, and in the same manner, the members of the corporation Board of arbitration

may elect, from their number, twelve persons, who shall form a board, which shall be called "the board of arbitration;" and any three of such persons shall have power to arbitrate upon, and make their award in any commercial case or difference which is voluntarily referred to them by the parties concerned; and whenever such parties agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the board of arbitration, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them; and such decision shall be binding upon the said board of arbitrartion and the parties making the submission; and any such submission shall be according to the form A in the schedule of this Act, or to the same effect. 37 V., c. 51, s. 19.

Powers.

Form of submission to board.

Members of board to be sworn.

22. The several members of the board of arbitration shall, before they act as such, take and subscribe, before the president or vice-president of the corporation, an oath in the form B in the schedule of this Act, that they will faithfully, impartially and diligently perform their duties as members of the board of arbitration, and such oath shall be kept among the documents of the corporation. 37 V., c. 51, s. 20.

Members of council may be arbitrators.

23. Any member of the council may, at the same time, be a member of the board of arbitration. 37 V., c. 51, s. 21.

Power of arbitrators as to examination in hearing cases.

24. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine, upon oath (which oath any one of such three members is hereby empowered to administer), any party or witness who, appearing before them, is so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act. 37 V., c. 51, s. 22.

Award.

Power of council to appoint board of examiners of inspectors.

25. The council of the corporation may appoint five persons to constitute a board of examiners to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the councils of the boards of trade by "*The General Inspection Act*;" and the

said examiners and inspector shall be subject to all the provisions touching their office set forth in the said Act. 37 V., c. 51, s. 23.

26. Any board of trade duly registered as aforesaid, under the provisions of this Act, may become affiliated with the Dominion board of trade, on duly complying with all the terms and requirements of that organization, and may be represented at all its ordinary or special general meetings, held from time to time: Provided always, that the delegates or representatives to the Dominion board of trade shall be elected at a general meeting, duly convened, of the board of trade desiring such affiliation as aforesaid. 37 V., c. 51, s. 25.

Boards of trade may affiliate with Dominion board of trade.

Proviso.

SCHEDULE OF FORMS.

Form A.

Know all men, that the undersigned and the undersigned (*if there are more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform and abide by the award to be made by the Board of Arbitration of the Board of Trade of in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform or abide by such award to the party ready and willing to perform or abide by the same.

In witness whereof, the said parties have hereunto set their hands and affixed their seals at the of on the day of A. D. 18

A. B. [L. S.]
C. D. [L. S.]

27 V., c. 51, sch. *part.*

Form B.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of , and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any person whomsoever: So help me God. 37 V., c. 51, sch *part.*

THE PORT WARDENS' ACT.

CHAPTER 85.

An Act Respecting Port Wardens.

A. D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

SHORT TITLE.

1. This Act may be cited as "*The Port Wardens' Act.*" 37 V., c. 32, s. 30. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation.

(*a.*) The expression "the harbor" means the harbor for which the port warden is appointed ; "Harbor."

(*b.*) The expression "the board of trade" or "chamber of commerce" means the board of trade or chamber of commerce for the city or town or place adjoining the harbor for which the port warden is appointed. 37 V., c. 32, s. 29. "Board of trade," &c.

PORT WARDENS AND DEPUTIES.

3. The Governor in Council may, from time to time, determine at what ports in Canada port wardens shall be appointed ; and at and for every such port a port warden may be appointed. 37 V., c. 32, s. 1, *part.* Governor may appoint port wardens.

4. The port warden may appoint a deputy or deputies, for whose conduct as such deputy or deputies he shall be responsible ; and whenever the port warden is mentioned in any provision in this Act, such provision shall be deemed to apply to every deputy he appoints. 45 V., c. 46, s. 2. Power to appoint deputies.

5. The port warden shall receive no fees other than such as strictly appertain to the business of his office ; all such fees shall be entered in his books ; and he shall, within seven days after the thirty-first day of December in each year, make to the Minister of Marine and Fisheries a certified annual return of the receipts and expenses of his office and a report of the proceedings therein. 37 V., c. 32, s. 2. Fees to port warden. Annual return.

His office, books and seal.

6. The port warden shall, at his own expense, keep an office during the season of navigation, and shall have a seal of office, and the necessary books, in which all his acts as port warden shall be recorded, which books shall be open for inspection on payment of a fee of twenty-five cents. 37 V., c. 32, s. 3.

DUTIES AND POWERS OF PORT WARDEN.

Port warden on request to examine and note the condition of cargo, &c., on any vessel.

7. The port warden shall, at the request of any person interested, proceed in person on board of any vessel for the purpose of examining the condition and stowage of her cargo; and if there are any goods damaged on board of such vessel, he shall inquire, examine and ascertain the cause of such damage, and make a memorandum thereof, and enter the same in full on the books of his office. 37 V., c. 32, s. 4.

Survey if bulk has been broken before arrival in port.

8. The master of any vessel which has broken bulk for the purpose of lightening such vessel or other necessary purpose, previous to her arrival in any harbor for which there is then a port warden, shall, immediately on the discovery of any damaged cargo, proceed to have a survey held on the same in the manner herein prescribed, before the same is moved out of the place in which it was originally stowed; and if, after the arrival in port of any vessel from beyond the seas, or from a passage over any of the great lakes contiguous to the Province of Ontario, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the harbor, the hatches of such vessel have been first opened by any person not a port warden, and the cargo or any part thereof comes from on board such ship in a damaged condition, such facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel and such default shall, until the contrary is shown, be chargeable to the owner, master or other persons interested as part owner or master of the said vessel. 37 V., c. 32, s. 5.

What shall be *prima facie* evidence of improper stowage.

Port warden on request to ascertain cause of damage to any goods.

9. The port warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandise, vessel, material, produce or other property, said to have been damaged on board of any vessel, and inquire, examine and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record, in the books of his office, a full and correct statement thereof. 37 V., c. 32, s. 6.

To be surveyor of wrecks or damaged vessels.

10. The port warden shall, when required, be surveyor on any vessel which has suffered wreck or damage, or which is deemed unfit to proceed on her voyage; he shall examine the hulls, spars, rigging and all appurtenances thereof, shall specify

what damage has occurred, and record, in the books of his office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary in such survey, one or more carpenters, sail-makers, riggers, shipwrights or other persons skilled in their calling, each of whom shall be entitled to a fee not exceeding five dollars, but no such surveyor shall act in any case in which he is interested:

2. The port warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that such repairs have been properly made shall be evidence that the vessel is seaworthy. 37 V., c. 32, s. 7.

To see that vessels are seaworthy.

11. The port warden shall have cognizance of all matters relating to the surveys of vessels and cargoes arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys. 37 V., c. 32, s. 8.

Surveys of damaged vessels and cargoes.

12. The master of any vessel intending to load grain in bulk, for any port not within the limits of inland navigation and not within Canada, shall, before taking in any of such grain, notify the port warden, from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards: the port warden shall, in such case, ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall see that it is properly dunnaged and lined, and provided with shifting boards, and shall also see that the boards and planks used for such purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with such surveys, and grant the necessary certificates:

Duty of master of vessel loading with grain in bulk for port out of Canada, &c.

Duty of port warden.

2. Every person who violates any of the provisions of this section shall incur a penalty of eight hundred dollars. 37 V., c. 32, s. 9 *and* s. 26, *part*.

Penalty for violation.

13. The port warden shall, when required, decide what amount of dunnage is necessary to be placed below the cargo,—and also between wheat or other grain, and the flour stowed over it; and his certificate that such dunnage has been used shall be *prima facie* evidence of the good stowage of the cargo so far as these facts are concerned. 37 V., c. 32, s. 10.

Duty of port warden as to dunnage.

14. The master of any vessel wholly or partly laden with grain bound to any port not within the limits of inland navigation or within Canada, shall, before proceeding on his voyage, or

Further duties of master and port warden as to vessels

laden with grain.

clearing at the custom house, notify the port warden, who shall then proceed on board such vessel, and examine whether she is in a fit state to proceed to sea or not ; if she is found unfit, the port warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions are fulfilled :

2. If the master refuses or neglects to fulfil such conditions, the port warden shall notify the collector of customs, in order that no clearance may be granted for the vessel until the same are fulfilled, and a certificate to that effect is granted by the port warden :

Penalty for violation.

3. Every person who violates any of the provisions of this section shall incur a penalty of eight hundred dollars. 37 V., c. 32, s. 11 *and* s. 26, *part.*

Clearance not to be granted to any vessel carrying grain, unless the requirements of this Act have been complied with.

15. No officer of customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the harbor for any port not within the limits of inland navigation and not within Canada, unless the master of such vessel produces to him a certificate from the port warden, that all the requirements of this Act nave been fully complied with if such grain is laden in bulk,—nor unless such master produces to him a certificate from the port warden, that all the requirements of this Act have been complied with, if such vessel is wholly or partly laden with grain, otherwise than wholly or partly in bulk ; and if any vessel wholly or partly loaded with grain attemps to leave the harbor for any port not within the limits of inland navigation and not within Canada, without a clearance, any officer of customs, or the chief officer of the river police, or any person acting under the direction of the Minister of Marine and Fisheries, may detain such vessel until such certificate is produced to him. 37 V., c. 32, s. 28.

Vessels may be detained.

Valuing and measuring vessels by port warden

16. The port warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office. 37 V., c. 32, s. 12.

Duty of auctioneer selling condemned vessels, materials or goods

17. Every auctioneer who makes a sale of any condemned vessel, or ship's materials, or goods damaged on board a ship or vessel, whether sea-going or navigating inland waters, sold for the benefit of underwriters or others concerned, in any harbor for which there is a port warden, shall file a statement of the same at the office of the port warden, within ten days after such sale :

Notice and time of sale.

2. No such sale shall take place until after at least two days' public advertisement or notice is given, and such sale shall not take place at an hour earlier than eleven o'clock in the forenoon, or later than three o'clock in the afternoon :

3. Every person who violates any of the provisions of this section shall incur a penalty of twenty dollars. 37 V., c. 32, s. 13 *and* s. 26, *part*.

Penalty for violation.

18. The port warden, when required in writing by all parties in interest, shall hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and shall keep a record of the proceedings. 37 V., c. 32, s. 14.

Port warden to arbitrate between master and consignee, &c.

19. No goods, vessels or other property at a place where there is a port warden, shall be sold as damaged for the benefit of underwriters or others concerned, unless there has been a regular survey and condemnation; and the port warden shall, in all such cases, be one of the surveyors. 37 V., c. 32, s. 15.

Sale of damaged vessels or goods on account of underwriters.

20. Before proceeding to act in any case in the performance of his duties, the port warden shall give reasonable notice, when practicable, to all parties interested or concerned in the case. 37 V., c. 32, s. 16.

Notice by port warden

21. All notices, requests or requirements to or from the port warden, shall be given in writing a reasonable time before action is required or taken. 37 V., c. 32, s. 17.

And to him.

22. If the consignee of a vessel or cargo, or other person upon whose requisition any proceedings should be taken under this Act, cannot be found or cannot be communicated with by the port warden before or at the time at which it is necessary that such proceedings should be taken to avoid loss or damage to the person interested in such vessel or cargo, the port warden may initiate proceedings in such case and hold surveys and obtain process under this Act, as if required by the proper persons under this Act. 45 V., c. 46, s. 1.

When the port warden may initiate proceedings

23. If any dispute arises between the port warden and any person interested in any case where his presence has been required, either party may appeal to the council of the board of trade or chamber of commerce, if there is one at the port; and the secretary of such board or chamber, on a requisition being presented to him to that effect, shall summon forthwith a meeting of the said council,—who, or not less than three of whom, shall immediately investigate and report on the case submitted to them; and the determination of a majority of them, made in writing, shall be final and conclusive. 37 V., c. 32, s. 22.

Disputes with port warden to be settled by board of trade.

24. The person against whom the council of the board of trade or chamber of commerce decides, shall pay all the expenses; and the council shall determine the amount of fees or charges payable in each case,—but such fees and charges shall never exceed twenty dollars. 37 V., c. 32, s. 23.

Costs in such case.

Further duties of port warden under regulations of Governor in Council.

25. The port warden shall perform such other duties as are assigned to him, from time to time, by regulations made by the Governor in Council; and the council of the board of trade or chamber of commerce may, from time to time, make suggestions to the Governor in Council with respect to any such other duties, or any modification of the duties hereinbefore assigned to the port warden for the harbor; and such other duties may be assigned or such modification made by the Governor in Council accordingly; and every regulation made under the Act shall have the force of law. 37 V., c. 32, s. 27.

Port warden to furnish copies of documents, &c., in his office.

26. On the demand of any person interested, the port warden shall furnish certificates in writing, under his hand, of any matters of record in his office; and he shall also furnish, when required, copies of any entries in his books or documents filed in his office, upon payment of a reasonable compensation. 37 V., c. 32, s. 19.

Certificates of port warden to be evidence.

27. All certificates issued under the hand of the port warden, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record in any court of justice. 37 V., c. 32, s. 24.

Copies of harbor regulations to be furnished.

28. On application the port warden shall supply, once in each year, to any master of a vessel arriving in the harbor, a copy of the regulations relating to the office of port warden. 37 V., c. 32, s. 20.

Regulations of Lloyd's to govern.

29. In all matters regarding surveys, and other matters concerning the value, state or classification of vessels and like subjects, the port warden shall conform to, and be governed by, the regulations of Lloyd's, so far as they are applicable to the circumstances of the case. 37 V., c. 32, s. 21.

FEES.

Tariff of fees to be paid to port warden to be made by board of trade or Governor in Council.

30. The council of the board of trade or chamber of commerce, if there is one at the port, may, from time to time, establish a tariff of fees to be paid to the port warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said port warden are required to be performed,—which tariff shall be subject to the approval of the Governor in Council; and when there is no board of trade or chamber of commerce, the governor in Council shall make such tariff; but such fees shall not exceed the rates hereinafter mentioned, that is to say:—

Maximum rates.

(*a.*) For every survey and the certificate thereof by the port warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or of damaged goods, a fee not exceeding eight dollars,—and such further sum, not exceeding five dollars, as is payable to each shipwright or other skilled person employed by him ; Survey of vessel, damaged goods, &c.

(*b.*) For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but in no case to exceed ten dollars ; Valuation and inspection of vessel.

(*c.*) For hearing and settling disputes of which the port warden is authorized to take cognizance, and for the fees on appeal to the council of the board of trade or chamber of commerce, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed twenty dollars : Hearing and settling disputes.

2. The foregoing maximum rates, including the fees for incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid may be indicated in such a way as the council of the board of trade or chamber of commerce, from time to time, appoints ; and all rates and fees so established shall be subject to the approval of the Governor in Council, who may, from time to time, disallow or alter such rates and fees. 37 V., c. 32, s. 25. Rates may be altered, &c., by board of trade or Governor in Council.

GENERAL PROVISIONS.

31. The whole of any penalty recovered under this Act shall belong to the Crown, and shall be paid over to the Minister of Finance and Receiver General by the officer or person receiving it. 37 V., c. 32, s. 26, *part.* Recovery and application of penalties.

32. This Act shall not apply to the ports at Quebec, Montreal and St. John, N. B. 37 V., c. 32, s. 1, *part.* Ports excepted.